

From: [Veronica Vecchio](#)
To: [William Downes](#); [Mike Laszlo](#)
Cc: [Jarrett Charo](#)
Subject: RE: [External] Tavaréz v. Extract Labs
Date: Friday, January 21, 2022 8:59:35 AM

Will,

Extract Labs has confirmed that it has remedied the issues with its website, so your Complaint is now moot. Extract Labs hired a website auditor to confirm that the issues identified in your complaint are now resolved so there is no longer an “actual controversy” between the parties. Additionally, your complaint fails to establish Plaintiff’s standing as there is no concrete or clear injury in fact. You fail to allege that your client intended to purchase a specific product, which specific portions of the website prevented him from purchasing that product, or any other related specific facts to establish how the non-conforming features of the website resulted in an actual injury.

Please let us know if you intend to file an amended complaint.

Thank you.

Veronica

From: William Downes <wdownes@mizrahikroub.com>
Sent: Thursday, January 20, 2022 2:24 PM
To: Mike Laszlo <mlaszlo@laszlolaw.com>; Veronica Vecchio <vecchio@laszlolaw.com>
Cc: Jarrett Charo <jcharo@mizrahikroub.com>
Subject: RE: [External] Tavaréz v. Extract Labs

Dear Mr. Laszlo,

We believe the current complaint is sufficient. However, if you could provide us with significantly more detailed bases for your anticipated motion, we will consider stipulating to file an amended complaint. We hope to address specific details in order to avoid repeated amendments.

Sincerely,
Will Downes.

From: Mike Laszlo <mlaszlo@laszlolaw.com>
Sent: Monday, January 17, 2022 1:40 PM
To: William Downes <wdownes@mizrahikroub.com>; Veronica Vecchio <vecchio@laszlolaw.com>
Cc: Jarrett Charo <jcharo@mizrahikroub.com>
Subject: RE: [External] Tavaréz v. Extract Labs

Will,

I believe your client can amend without stipulation given we have not yet filed a response. Because we are not yet admitted PHV, we cannot stipulate or otherwise participate in any filing. My client will waive service, and you can send to us for execution.

From: William Downes <wdownes@mizrahikroub.com>
Sent: Monday, January 17, 2022 10:19 AM
To: Mike Laszlo <mlaszlo@laszlolaw.com>; Veronica Vecchio <vecchio@laszlolaw.com>
Cc: Jarrett Charo <jcharo@mizrahikroub.com>
Subject: RE: [External] Tavaréz v. Extract Labs

Dear Mr. Laszlo,

Would your client be willing to stipulate to an amendment as opposed to waiving service?

Sincerely,
Will Downes.

From: Mike Laszlo <mlaszlo@laszlolaw.com>
Sent: Wednesday, January 12, 2022 10:56 AM
To: William Downes <wdownes@mizrahikroub.com>; Veronica Vecchio <vecchio@laszlolaw.com>
Cc: Jarrett Charo <jcharo@mizrahikroub.com>
Subject: RE: [External] Tavaréz v. Extract Labs

Will, following up on our conferral below. Thanks, Mike

From: Mike Laszlo
Sent: Friday, January 7, 2022 6:30 AM
To: William Downes <wdownes@mizrahikroub.com>; Veronica Vecchio <vecchio@laszlolaw.com>
Cc: Jarrett Charo <jcharo@mizrahikroub.com>
Subject: RE: [External] Tavaréz v. Extract Labs

Will,

Thank you for your response. Respectfully, your demand is rejected.

My client has remediated the website and intends to file a motion to dismiss on that basis, for lack of standing, and failure to state a claim. Simply, the complaint is severely lacking of any plausible allegation to support the asserted claims. If you intend to amend your complaint, please let me know, and I will waive service of the amended complaint.

Thank you,

Mike

From: William Downes <wdownes@mizrahikroub.com>
Sent: Tuesday, January 4, 2022 6:33 PM
To: Mike Laszlo <mlaszlo@laszlolaw.com>; Veronica Vecchio <vecchio@laszlolaw.com>

Cc: Jarrett Charo <jcharo@mizrahikroub.com>

Subject: RE: [External] Tavaréz v. Extract Labs

Privileged and Confidential, Subject to FRE 408.

The initial demand for this case is 45,000 and remediation of the website. We will not be producing pre-discovery.

Sincerely,
Will Downes.

From: Mike Laszlo <mlaszlo@laszlolaw.com>

Sent: Monday, January 3, 2022 12:42 PM

To: William Downes <wdownes@mizrahikroub.com>; Veronica Vecchio <vecchio@laszlolaw.com>

Cc: Jarrett Charo <jcharo@mizrahikroub.com>

Subject: RE: [External] Tavaréz v. Extract Labs

Will,

If you have a demand, please provide it along with documentation regarding your client's visit to my client's website, with a date stamp and any other supporting documentation you have for the claim.

Thanks, Mike

Michael J. Laszlo
Attorney

LASZLOLAW[®]

2595 Canyon Blvd. Suite 210

Boulder, CO 80302

[303.704.6927](tel:303.704.6927) (mobile)

[303.926.0410](tel:303.926.0410) (firm)

[303.443.0758](tel:303.443.0758) (fax)

mlaszlo@laszlolaw.com

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From: William Downes <wdownes@mizrahikroub.com>

Sent: Thursday, December 9, 2021 4:12 PM

To: Veronica Vecchio <vecchio@laszlolaw.com>
Cc: Mike Laszlo <mlaszlo@laszlolaw.com>; Jarrett Charo <jcharo@mizrahikroub.com>
Subject: RE: Tavarez v. Extract Labs

Dear Ms. Vecchio,

We want to keep this case moving. We will not agree to a waiver and will serve your client normally.

Sincerely,
Will Downes.

From: Veronica Vecchio <vecchio@laszlolaw.com>
Sent: Wednesday, December 8, 2021 11:20 AM
To: William Downes <wdownes@mizrahikroub.com>
Cc: Mike Laszlo <mlaszlo@laszlolaw.com>; Jarrett Charo <jcharo@mizrahikroub.com>
Subject: [External] RE: Tavarez v. Extract Labs

Mr. Downes,
Can you explain why you are unwilling to proceed per the attached waiver of service? We would like to cooperate and save unnecessary expenses related to service.
Thank you.
Veronica

From: William Downes <wdownes@mizrahikroub.com>
Sent: Tuesday, December 7, 2021 1:37 PM
To: Veronica Vecchio <vecchio@laszlolaw.com>
Cc: Mike Laszlo <mlaszlo@laszlolaw.com>; Jarrett Charo <jcharo@mizrahikroub.com>
Subject: RE: Tavarez v. Extract Labs

Dear Ms. Vecchio,

I cannot provide a waiver of service in this matter. However, please let me know if you are authorized to accept service on behalf of your client and I will transmit the complaint and associated documents to you.

Additionally, please let me know if you are interested in pursuing an early resolution of the case and, if so, what your availability for a call is this week.

Thanks very much,
Will Downes.

From: Veronica Vecchio <vecchio@laszlolaw.com>
Sent: Tuesday, December 7, 2021 3:25 PM
To: William Downes <wdownes@mizrahikroub.com>

Cc: Mike Laszlo <mlaszlo@laszlolaw.com>

Subject: [External] Tavaréz v. Extract Labs

Mr. Downes,

Our firm represents Extract Labs and our client recently learned of the lawsuit you filed in the SDNY, Case No. 1:21-cv-09916. My client is willing to sign a waiver of service.

Please send over the form and we will send it back to you with a signature.

Thank you.

Veronica L. Vecchio, Esq.

LaszloLaw

2595 Canyon Blvd. Suite 210

Boulder, CO 80302

(303) 926-0410

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